



631-824-0200

steven.moser@moserlawfirm.com

January 26, 2022

Hon. Steven I. Locke, USMJ
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11717

Re: *Hernandez v. Rosso Uptown, Ltd.*, 20-CV-4026

Dear Judge Locke:

Please accept this letter on behalf of Plaintiffs in opposition to Pro-Se Defendant Michael Tizzano's letter motion requesting dismissal of this action.

With regard to the claim that we did not mail the discovery requests, Mr. Tizzano is incorrect. My former assistant, Laura Lazo, mailed the discovery requests to all defendants by USPS on December 10, 2021. He is correct, however, that the discovery requests were not sent via FedEx, a fact which he apparently has seized upon in an attempt to avoid responding to the requests.

Today, we indeed sent the requests via FedEx for delivery tomorrow morning, and have annexed proof of same hereto.

With regard to the claim that Mr. Tizzano had no affiliation with Rosso Uptown, Ltd., we note two things. First, we believe that Mr. Tizzano's legal name is Michele Tizzano s/h/a Michael Tizzano, and that the sworn document submitted does not bear his legal name. Second, we will prove that Mr. Tizzano was involved in the day to day operation of Rosso Uptown, Ltd., despite his repeated denials.

Finally, I note that the corporate defendant, Rosso Uptown, Ltd., is still in default as it is not represented by Counsel and cannot proceed pro-se.

For the foregoing reasons, I respectfully request that Mr. Tizzano's letter motion to dismiss be denied and that he be ordered to respond to the discovery requests on or before February 28, 2022.

Very truly yours,


Steven John Moser

CC: All Defendants (Via FedEx)

CERTIFICATE OF SERVICE

The undersigned, hereby certifies that on January 26, 2022, she caused a true and correct copy of the annexed PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS, PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS, and LETTER FROM STEVEN MOSER, ESQ. TO HON. STEVEN I. LOCKE, DATED JANUARY 26, 2022 via FedEx to the following:

Michele Tizzano a/k/a Michael Tizzano
44 Sintsink Drive East, Apt E
Port Washington, NY 11050

Massimo Gammella
Rosso Uptown, Ltd.
24 Manorhaven Blvd.
Port Washington, NY 11050

I certify under the penalty of perjury that the foregoing is true and correct.

Dated: Huntington, New York
January 26, 2022



Shirley Navarro-Losito